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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NORRIS, JEREMY C	
ART UNIT	PAPER NUMBER
2841	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/541,827	TUMA, JAN	
	Examiner	Art Unit	
	Jeremy C. Norris	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 states the limitation “”for example hooks, mushrooms or loops”. The use of the phrase “for example” makes it unclear as to whether these shapes are intended to define the invention. For examination purposes, the Examiner assumes that these particular structures are NOT required by the claimed invention.

Claim 1 states the limitation “at least one electrical and/or electronic component”. The use of the phrase “and/or” makes it unclear as to which components are intended to define the invention. For examination purposes, the Examiner interprets “and/or” simply as –or--. Additonally, all other instances of “and/or” in the claims with also be treated as simply --or--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 8, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,136,470 (Sheridon).

Sheridon discloses, referring primarily to figures 2-4, adhesive closure part (40, 40a) with a plurality of adhesive closure elements (40a), the adhesive closure part having a flat carrier (40) and the adhesive closure elements projecting from at least one surface of the carrier, and the adhesive closure elements consisting of an electrically insulating plastic (VELCRO, col. 4, lines 1-15), characterized in that the adhesive closure part has a circuit (col. 3, lines 5-25) which has at least one electrical or electronic component (IC chips, col. 3, lines 5-25), and that the circuit is located on the side of the carrier opposite the electrically insulating adhesive closure elements (col. 3, lines 5-25) [claim 1], wherein a further electrical component (26a) is located on the flat carrier [claim 2], wherein the circuit has electrical conductor strips (col. 3, lines 20-25) [claim 6], wherein the circuit has an integrated semiconductor component (col. 3, lines 5-15) [claim 8], wherein the adhesive closure elements are produced from a polymer plastic (col. 4, lines 25-30) [claim 14].

Regarding claim 4, the limitation “wherein the electrical or electronic component is applied in thick or thin film technology to the flat carrier” is a process limitation in a product claim and thus has been considered only to the extent that said process impacts the structure of the device. Moreover, it has been held “even though product-by-process claims are limited by and defined by the process, determination of

patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe,* 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheridon.

Regarding claim 5, Sheridon discloses the claimed invention as described above except Sheridon does not specifically disclose wherein a further electrical or electronic component is applied to another carrier which is laminated onto the flat carrier of the

adhesive closure part [claim 5]. However, it is well known to laminate a second circuit board to a first circuit board of which fact the Examiner takes Official Notice. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to provide a further electrical or electronic component is applied to another carrier which is laminated onto the flat carrier of the adhesive closure part. The motivation for doing so would have been to provide another carrier for simultaneous signal transmission.

Regarding claim 7, Sheridon discloses the claimed invention as described above except Sheridon does not specifically disclose that the circuit has electrical or electronic sensors [claim 7]. However, it is well known in the art to add sensors to an electronic circuit of which fact the Examiner takes Official Notice. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to add a sensor to the invention of Sheridon. The motivation for doing so would have been to allow the circuit to sense an outside stimulus.

Regarding claim 13, Sheridon discloses the claimed invention as described above except Sheridon does not specifically disclose wherein the circuit has an energy storage device. However, it is well known in the art to provide capacitors in a circuit of which fact the Examiner takes Official Notice. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to add a capacitor to the invention of Sheridon. The motivation for doing so would have been to condition the electrical circuit. Additionally, the limitation "in thin or thick film technology" is a process limitation in a product claim and thus has been considered only to the extent that said process impacts the structure of the device. Moreover, it has been held “even though

product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe,* 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheridon in view of US 6,173,899 B1 (Rozin).

Regarding claim 9, Sheridon discloses the claimed invention as described above except Sheridon does not specifically disclose wherein the integrated semiconductor component has an electronic data memory [claim 9]. However, it is well known in the art to include memory with an IC and a coil for contactless reading as evidenced by Rozin (col. 2, lines 45-60) and col. 3, lines 10-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include memory with the IC and a coil for contactless reading in the invention of Sheridon as is known in the art and evidenced by Rozin. The motivation for doing so would have been to allow the IC to store information. Additionally, the modified invention of Sherridon teaches, wherein the data stored in the data memory can be read out without contact (col. 1, lines 5-15) [claim 10], wherein data can be stored in the data memory without contact (col. 1, lines 5-15) [claim 11], wherein the electrical energy for operating the circuit can be coupled

without contact into the circuit which has at least one receiving coil for this purpose by an electromagnetic field [claim 12].

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 3 states the limitation "wherein a further electrical and/or electronic component is integrated into the flat carrier". This limitation, in conjunction with the other claimed features, was neither found to be disclosed in, nor suggested by, the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Norris whose telephone number is (571)272-1932. The examiner can normally be reached on Monday - Thursday, 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy C. Norris
Primary Examiner
Art Unit 2841

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